

Panaji, 18th July, 2002 (Ashada 27, 1924)

SERIES II No. 16

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### SUPPLEMENT

#### GOVERNMENT OF GOA

Department of Law &amp; Judiciary

Legal Affairs Division

#### Notification

No. 10/4/99-LA

The following orders dated 28th, 29th February, 9th, 16th, 21st, 23rd & 27th March, 2000, received from the Government of India, Ministry of Mines & Minerals, Department of Mines, the Controller of Mining Leases for India, Nagpur, under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, are hereby published for general information of the public.

Ashok N. P. Dessai, Under Secretary (Law).

Panaji, 5th May, 2000.

GOVERNMENT OF INDIA

MINISTRY OF MINES &amp; MINERALS

DEPARTMENT OF MINES

THE CONTROLLER OF MINING LEASES FOR INDIA

#### Order

Case No. CML/Z-83/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 8-1-51 (T. No. 2/51) for\* Iron held by M/s. M. S. Talaulicar & Sons Pvt. Ltd., P. B. No. 31, Margao, Goa-403601 for perpetual

period, area 50.3820 hectares in Village(s) Sancordem, Taluka: Sanguem, district South, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 50.3820 hectares, only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-83/2000

Name of the lessee : M/s. M. S. Talaulicar & Sons Pvt. Ltd., Villa Flores de Silva, P. B. No. 31, Erasmo Carvalho Street, Margao-Goa 403 601.

Date of the lease : 8-1-1951 (T. No. 2/51)

Mineral(s) : Iron

Area and Location : 50.3820 hectares,  
Village: Sancordem  
Taluka: Sanguem  
District: South Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – M/s. M. S. Talaulicar & Sons Pvt. Ltd., Margao Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated ..... held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000, at Goa, the lessee was represented by his Advocate/representative.

The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 29-12-1999 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of

the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

**Order**

Case No. CML/Z-15/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas five (5) cases were registered for the modification of terms of 5 \*mineral mining leases dated

as per enclosed list for \*Iron ore held by M/s. Dempo Mining Corporation Ltd., Dempo House, Panjim, Goa, 403 001 for per. period, area 479.3014 hectares in Village(s) as per enclosed list, district North Goa, State Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the five (5) leases as per list enclosed are limited to 479.3014 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surfate rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

**ANNEXURE I**

## Details of Five (5) Mining Leases

M/s. Dempo Mining Corporation Ltd., Dempo House, Campal, Panjim, Goa-403 001

Name of the lessee and address:

Sl. No.	Case No.	Denomination of the lease	Village/Taluka District of Goa	Mineral(s)	Number & date of title	Area in hec.
1	2	3	4	5	6	7
1.	Z-14	Langao	Maem, Langao, Bicholim, North Goa	Iron Ore	11 of 20-8-1941	89.9200
2.	Z-15	Vagachiper	Bicholim, Maem, Bordem & Langao, Bicholim, North Goa	Iron Ore	12 of 20-8-1941	99.9600
3.	Z-16	Gaotoor	Bicholim, Langao Maem & Bordem, Bicholim, North Goa	Iron Ore	13 of 20-8-1941	90.1389
4.	Z-17	Totichomor Dongor	Maem, Mulgao & Bordem, Bicholim, North Goa	Iron Ore	14 of 20-8-1941	99.7323
5.	Z-18	Mandurbaga	Mulgao, Maem & Sirigao, Bicholim, North Goa	Iron Ore	15 of 20-8-1941	99.5500

Grand total: 479.3014 hectares

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-15/2000

Name of the lessee : M/s Dempo Mining Corporation Ltd., Dempo House, Campal Panaji Goa-403 001.

Date of the lease :  
Mineral(s) : } As per enclosed list.  
Area and Location : }  
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause

notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – M/s Dempo Mining Corporation Ltd., Panaji, Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated ..... held by the lessee.

3. The case was also taken up for hearing on 25-8-99 & 14-1-2000, at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 25-8-99 & 14-1-2000, at Goa, the lessee was represented by his advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa,

Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 8-12-1999 & 12-1-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987; therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals

(Development & Regulation) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Nagpur, 28th February, 2000.

**Order**

Case No. CML/Z-345/2000

**[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]**

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 11-9-1953 (T. No. 92/53) for\* Iron (ore) held by M/s. Lima Leitho & Co. Pvt. Ltd., Goa for permanent period area 99.2225 hectares in Village(s): Xelpi Taluka: Satari, district North Goa, State of Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 99.2225 hectares only.
- (ii) Period: No change is made as the period of the lease is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 8-12-1999 & 12-1-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals

(Development & Regulation) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Nagpur, 28th February, 2000.

**Order**

Case No. CML/Z-345/2000

**[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]**

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 11-9-1953 (T. No. 92/53) for\* Iron (ore) held by M/s. Lima Leitho & Co. Pvt. Ltd., Goa for permanent period area 99.2225 hectares in Village(s): Xelpi Taluka: Satari, district North Goa, State of Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 99.2225 hectares only.
- (ii) Period: No change is made as the period of the lease is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF  
THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-345/2000

Name of the lessee : M/s. Lima Leitho & Co. Pvt. Ltd., Mine Owners & Exporters & Shipping Agents, Lima Arcade, Block No. 1, 3rd Floor, New Vaddem, Vasco-da-Gama, Goa-403802.

Date of the lease : 11-9-1953 (T. No. 92/53)

Mineral(s) : Iron (Ore)

Area and Location : 99.2225 hecets.  
Vill: Xelpi,  
Taluka: Satari, Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri M/s Lima Leitho & Co. Pvt. Ltd., Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated - - - held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 17-1-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for



control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Development & Regulation) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Nagpur, 28th February, 2000.

#### Order

Case No. CML/Z-759/2000

#### [Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 16-11-1959 (T. No. 80/59) for \* Iron (ore) held by Shri Jaisinh Maganlal, Panaji, Goa for permanent period, area 98.7600 hectares in Village(s): Pirla, Taluka: Quepem, district South Goa, State of Goa.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 98.7600 hectares only.
- (ii) Period: No change is made as the period of the Lease(s) is already modified as per provisions of Goa, Daman & Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof :-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

Sd/- C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

#### NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-759/2000 Order dated 28-2-2000

Name of the lessee : Shri Jaisinh Maganlal,  
Maganlal Sadan,  
D. V. Road, Panaji,  
Goa-403001.

Date of the lease : 16.11.1959 (T. No. 80/59)

Mineral(s) : Iron

Area and Location : 98.7600 hecets  
Vill.: Pirla  
Taluka: Quepem  
Dist.: South Goa, Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.



*Period:* To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee – Shri Jaisingh Maganlal, Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 16-11-1999 held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000 at Goa, the lessee was represented by his advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 27-12-99, duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The

Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Development & Regulation) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Development & Regulation) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Govt. of Goa notifications dated 30th September, 1963 and 4th January, 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

Case No. CML/Z-160/2000

**Order**

**[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]**

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 1-2-1952 (T. No. 10/52) for\* Iron & Manganese held by Shri Esvonta D. Sadekar, Margao Goa for pmt. period area 32.1000 hectares in Village(s) Rivona, Taluka Sanguem, district South of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 32.1000 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 28th February, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-160/2000

Name of the lessee : Shri Esvonta Dattatray Sadekar  
Chamunda Apts

Date of the lease : 1-2-1952 (T. No. 10/52)

Mineral(s) : Fe/Mn

Area and Location : 32-1000 hectares  
Village : Rivona  
Taluka: Sanguem (Goa)

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

**Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

**Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Esvonta Dattatray Sadekar, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 1-2-1952 held by the lessee.

3. The case was also taken up for hearing on 28-9-99 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 28-9-99 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from

the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 2-2-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (R&D) Act, 1957, MCR, 1960 MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid leases(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining

Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w. e. f. 1st October 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Nagpur, 28th February, 2000.

Case No. CML/Z-797/2000

#### Order

#### [Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas Eight(8) cases were registered for the modification of terms of 8 \*mineral mining leases dated as per enclosed list for\* Iron/Manganese held by M/s. Gangadhar Narsingdas Agrawal, Margao, Goa, for pmt. period area 616.8493 hectares in village(s) as per enclosed list, District South of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of eight (8) leases as per list enclosed are limited to 616.8493 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 29th February, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS  
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-797/2000

Name of the lessee : M/s. Gangadhar Narsingdas  
Agrawal,  
Anand Bhavan, Station Road,  
Margao, Goa-403601.

Date of the lease :

Mineral(s) : As per enclosed list

Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - M/s. G. N. Agrawal, and the lessor-the Government of

Goa, calling upon them to show cause why such modifications/alteration should not be made in the mining lease deed dated ..... held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 1st February, 2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (Regulation & Development) Act, 1957, Mineral Concession Rules, 1960, Mineral Conservation & Development Rules, 1988 and Mining Leases (Modification of Terms) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now

stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are

consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September 1963 and 4th January 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w. e. f. 1st October 1963 and the Section 16 of the said Act was made applicable to Goa w. e. f. 15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Declaration as Mining Leases) Act, 1987 and the rules made thereunder modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases of India.

Nagpur, 29th February, 2000.

#### ANNEXURE

#### DETAILS OF FOURTEEN (14) MINING LEASES

No. CML/Z-797/2000 Eight (8)

Name of the Lessee & : M/s. Gangadhar Narsingdas Agrawal,  
Address : Anand Bhavan, Station Road, Margao, Goa-403601.  
Date of hearing : 21-02-2000

Sr. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Mineral(s)	Number and Date of Title	Area in (Hect.)
1	2	3	4	5	6	7
1.	Z-455	Manda-e-advona	Calem Sanguem, Distt. South Goa.	Fe/Mn	8 of 26-3-1955	38.7346
2.	Z-11	Huldool Dongor	Shigao & Collem, Sanguem South Goa.	Fe	8 of 19-3-1941	97.5050
3.	Z-796	Borochi Morodi	Maina Quepem South Goa.	Fe/Mn	6 of 24-8-1961	92.2430
4.	Z-622	Capilagaichem Gued	Arvalem Vill. Bicholim Taluka North Goa.	Fe	18 of 9-5-1958	99.8000
5.	Z-416	Ambeacho/Dongor	Bordem Bicholim North Goa.	Fe	18 of 1-3-1954	46.3250
6.	Z-797	Sotiamol-E-Dongri	Maina of Quepem & Rivona of Sanguem South Goa	Fe	7 of 30-8-1961	87.2800
7.	Z-158	Ubeafatracodil Dongri	Maina, Quepem South Goa.	Fe/Mn	8 of 1-2-1952	55.7857
8.	Z-74	Chandsurya Fatracodil Dongri	Neturlim, Sanguem, South Goa.	Fe	35 of 2-10-1950	99.1760
Total						616.8493

**Order**

The following mining lease cases have been registered in this office for modification as per the provisions of the MM(R&D) Act, 1957 and the rules made thereunder:

Sr. No.	Case No.	Denomination of Mine	Village/ Taluka	Mineral	Date of the Title No.	Period	Area (Hectares)
1	Z-738	Kairuta Umala	Cudnem, Bicholim, North Goa	Iron	59 of 59 Date 27-9-59	Permanent	99.4020
2	Z-274	Passaria-Tembo	Colomba, Sanguem, South Goa	Iron & Manganese	21 of 53 Date 9-3-53	do	34.0384
3	Z-250	Apteachea Dativoril Dongor	Bordem, Bicholim North Goa	Iron Ore	100 of 52 Date 5-12-52	do	33.8800
4	Z-431	Cuinamol Dolnadvona Cassambemol	Muguli, Sanguem, South Goa	Manganese	33 of 54 Date 6-6-54	do	98.0700
5	Z-678	Sem Deno Minacao Especial	Navelim, Bicholim, North-Goa	Iron	74 of 58 Date 28-11-58	do	98.3600
6	Z-249	Borchem Daticho Dongracho Matto	Sarvona, Bicholim, North Goa	Iron	99 of 52 Date 5-12-52	do	99.9756
Total							463.7260

This office has issued show cause notices vide letter No. CML/Z-738, 274, 250, 431, 678 and 249 dated 7-1-2000 respectively to M/s G. N. Agrawal, Anand Bhavan, P. O. Box No. 107, Station Road, Margao, Goa under Rule 6 of ML (MT) Rules, 1956 for modification of above mining leases. A copy of this show cause notice was also sent to the State Government of the Goa, Industry & Mines Department, Panjim, Goa. In reply to the show cause notices, the lessee has informed vide their letter No. BSK/1509 to 1514/106 dated 3-2-2000 that the above mentioned leases had already ben surrendered to the State Government immediately after the commencement of Goa, Daman and Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

However, no information was received from the Sate Government against the notices in respect of surrender of the aforesaid mining leases by the party. Further, no representative of the State Government was also present during the hearing on the date fixed at Goa.

It is, therefore, on the basis of the information received from the party vide letters under reference regarding surrender of above six leases, these cases are heareby closed and filed.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th February, 2000.

Case No. CML/Z - 81/2000

**Order**

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas Seven cases were registered for the modification of terms of a (7) \*mineral mining lease

dated as per list enclosed for\* Iron & Manganese held by Smt. Lidia Belinda Simoes, Goa for pmt. period area 515.5420 hectares in village(s) as per list enclosed, district South, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of Seven(7) leases as per list enclosed are limited to 515.5420 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the state Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 9th March, 2000.

#### ANNEXURE — I

##### DETAILS OF SEVEN (7) MINING LEASES

Name of the Lessee & : Smt. Lidia Belinda Simoes,

Address : 2, Durga Apartment, Opp. Miranda Hospital, Margao-Goa

Sr. No.	Case No.	Denomination	Village/Taluka & District	Minerals	Number Date of Title	Area in (Hect.)
1	2	3	4	5	6	7
1.	Z-81	Molietembo Majuerim	Rivona Sanguem, Goa	Fe/Mn	42 of 29-12-1950	50.8000
2.	Z-756	Musfodavoril Mordierter adjts.	Maina Quepem Goa	Fe/Mn	77 of 13-10-59	94.9420
3.	Z-464	Ponsana dongor	Codli Sanguem Goa	Fe/Mn	17 of 25-6-55	99.7000
4.	Z-753	Devabagaotor adjts	Caurem Quepem	Fe	74 of 28-9-59	82.7500
5.	Z-263	Cotidongor	Pirla Quepem Goa	Fe/Mn	9 of 13-2-1953	79.000
6.	Z-750	Edumolavoril Dongriou Cancutta	Netorlim Sanguem Goa	Fe/Mn	71 of 28-9-59	39.6000
7.	Z-28	Vagatto	Colomba Sanguem Goa	Fe/Mn	7 of 5-8-49	68.7500
Grand Total						515.5420

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 9th March, 2000.



NOTE EMBODYING THE FACTS OF CASE, PLEAS  
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-81/2000

Name of the lessee : Smt. Lidia Belinda Simoes,  
2. Durga Apartment,  
Opp. Miranda Hospital,  
Margao, Goa.

Date of the lease :

Mineral(s) : As per list enclosed.

Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice (s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Smt. Lidia Belinda Simoes, Margao, Goa and the lessor — the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list enclosed held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing

- i) information regarding lease(s) in the prescribed Annexures I & II under Rules/Act.
- ii) affidavit(s) dated 7-2-2000 duly signed by the lessee/attorney to abide by the provisions of Mines & Minerals (R&D) Act, 1957, MCR, 1960 MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide

Government notification w.e.f. 15th January 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f.

15th January 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 9th March, 2000.

### Order

The following mining lease cases have been registered in this office for modification as per the provisions of the MM(R&D) Act, 1957 and the rules made thereunder:

Sr. No.	Case No.	Denomination of Mine	Village/ Taluka	Mineral	Date of the Title No.	Period	Area (Hectares)
1	Z-758	Vagacho Dongor Marsean Giacha	Xelopa, Satari, Goa	Iron	79 of 59 Date 7-10-59	Permanent	99.4350
2	Z-743	Santona Vadi Soddo Eter Adjts	Santona, Sanguem, South Goa	Iron	64 of 59 Date 28-9-59	do	98.6000
3	Z-757	Vagacho Dongor, Marsean-giacho	Sancordem Sanguem, Goa	Iron & Manganese	78 of 59 Date 13-10-59	do	64.9520
4	Z-318	Potvol-Modlo Vaddoe Gauncarvado	Velguem, Satari, Goa	Iron Ore	65 of 53 Date 17-7-53	do	77.9300
5	Z-642	Toleachiadd Etc.	Arvelem, Bicholim, Goa	Iron Ore	38 of 58 Date 11-8-58	do	99.5788
6	Z-771	Bag Moitem De Podvol	Advulpale-e Assonora, Bicholim, Goa	Iron Ore	7 of 60 Date 5-2-62	do	99.9000
Total							540.3958

This office has issued show cause notices vide letter No. CML/Z-758, 743, 757, 318, 642 and 771 dated 21-9-99, 29-11-99, 27-1-2000, 27-1-2000, 27-1-2000 and 21-9-99, respectively to M/s Sesa Goa Pvt. Ltd., Altinho, P. O. Box No. 125, Panjim Goa under Rule 6 of the ML(MT) Rules, 1956 for modification of aforesaid mining leases. A copy of this show cause notice was also sent to the State Government of Goa, Industry & Mines Deptt., Panjim, Goa. In reply to the show cause notices, the lessee has informed vide their letter No. Nil dated 13-10, 29-12-99 and 7-2-2000 that the above mentioned leases had already been surrendered to the State Government immediately after the commencement of Goa, Daman and Diu Mining Concessions (Abolition & Declaration as Mining Leases) Act, 1987.

However, no information was received from the State Government against the notices in respect of surrender of the aforesaid mining leases by the party. Further, no representative of the State Government was also present during the hearing on the date fixed at Goa.

It is, therefore, on the basis of the information received from the party vide letters under reference regarding surrender of above six leases, these cases are hereby closed and filed.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 28th February, 2000.

Case No. CML/Z-605/2000

**Order**

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas two cases were registered for the modification of terms of 2 \*mineral mining lease dated as per enclosed list for\* Iron/Manganese held by Smt. Ana Berta de Rego e Fernandes, Santa Cruz, Merces, Goa for indefinite years with area 170.4600 hectares in Village(s) as per enclosed list, District North/South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of two (2) leases as per list enclosed is limited to 170.4600 hectares only.
- (ii) Period: No change is made as the period of lease(s) is already modified as per provision of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 21st March, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

**Order**

1. Case No. : Z-321/Z-605
2. Name of the lessee : Smt. Ana Berta de Rego e Fernandes, H. No. 104, Buttam Bhat, Post: Santa Cruz, Merces-Goa.
3. Date of the lease : As per enclosed list.
4. Mineral(s) : Iron/Manganese
5. Area and location : As per enclosed list.
6. Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Smt. Ana Berta de Rego e Fernandes and the lessor—the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated \_\_ held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) That the proposal to reduce the area of lease under Section 6(i)(b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP file by lessee wherein Ad interim order, passed on 2-3-1998.
- ii) That the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already

stand reduced to the extent of six months from the date of assent i.e. 23-5-1987 under Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) Information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) Affidavit(s) dated 24-1-2000 & 22-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) That the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-1998. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-1998 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act,

it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) That the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent and Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

**List of M.L. Cases in respect of Smt. Ana Berta de Rego e Fernandes,  
H. No. 104, Buttam Bhat, Post: Santa Cruz, Mercos-Goa.**

Sr. No.	Case No.	Denomination of Mine	Location			Mineral	T.C. No. & rate of Lease granted	Period of Lease	Area in (Hect.)
			Village	Taluka	District				
1	2	3	4			5	6	7	8
1.	Z - 321	Mortegal Murdi	Uguem,	Sanguem	South Goa	Iron & Manganese	68 of 17-7-1953	Indefinite	70.4600
2.	Z - 605	Talichem Mollou	Davem	Satari	North Goa	Iron	1 of 6-1-1958	Renewal pending	100.000
Total —									170.4600

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 21st March, 2000.

Case No. CML-Z-294/2000

**Order**

**[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]**

Whereas three cases were registered for the modification of terms of three \*mineral mining leases dated as per enclosed list for\* Iron and Manganese held by Shri Vasantram Ganpatram Mehta, Colomba, Goa for Pmt. period area 147.2500 hectares in Village(s) as per enclosed list, District South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of three (3) leases as per list enclosed is limited to 147.2500 hectares only.
- (ii) **Period:** No change is made as the period of lease(s) is already modified as per provision of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development), Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 23rd March, 2000.

**Annexure**

**Details of three (3) Mining Leases**

Name of the Lessee & address: Shri Vasantram Ganpotram Mehta,  
C/o. Maharaja Hotel, Vasco-da-Gama, Goa - 403 802.

Sl. No.	Case No.	Denomination of the Mine	Location			Minerals	Number of date and title	Area in (Hect.)
			Village	Taluka	District			
1	2	3	4			5	6	7
1.	CML-Z-294	Caliemola cu Calzarigogo	Colomba	Sanguem	South Goa	Iron & Manganese	41 of 22-5-1953	68.7500
2.	CML-Z-126	Vatasur	Colomba	Sanguem	South Goa	—do—	46 of 15-6-1951	21.7000
3.	CML-Z-183	Navelem	Curpem	Sanguem	South Goa	—do—	33 of 28-3-1952	56.8000
Total —								147.2500

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 21st March, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS  
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML-Z-294/2000

**Order**

1. Name of the lessee : Shri Vasantram Ganpatram Mehta, Maharaja Hotel, Vasco-da-Gama, Goa - 403 802.
2. Date of the lease : }
3. Mineral(s) : } As per enclosed list.
4. Area and location : }
5. Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Vasantram Ganpatram Mehta, Colomba, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per enclosed list held by the lessee.

3. The case was also taken up for hearing on 14-1-2000 and 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-1-2000 and 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) That the proposal to reduce the area of lease under Section 6(i)(b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP file by lessee wherein Ad interim order, passed on 2-3-1998.

- ii) That the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already

stand reduced to the extent of six months from the date of assent i.e. 23-5-1987 under Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) Information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) Affidavit(s) dated 11-1-2000, 12-1-2000 and 18-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) That the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-1998. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-1998 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) That the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development)

Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent and Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 23rd March, 2000.

Case No. CML/Z-292/2000

#### Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 15-5-1953 (39/53) for\* Iron and Manganese held by Shri Lekhraj Nathurmali, C/o. H. R. Nathurmali, P. O. Box 39, Panjim, Goa - 403 001 for pmt. period, area 85.8500 hectares in Village(s) Arvalem Taluka: Sanguem, District: South Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the above lease is limited to 85.8500 hectares only.

- (ii) Period: No change is made as the period of lease(s) is already modified as per provision of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development), Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 21st March, 2000.

#### NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML-Z-292/2000

#### Order

1. Name of the lessee : Shri Lekhraj Nathurmali, C/o. M/s. H. L. Nathurmali, P. O. Box No. 39, Panjim, Goa - 403 001.
2. Date of the lease : 15-5-1953 (39/53)
3. Mineral(s) : Iron and Manganese
4. Area and location : 85.8500 hectares.  
Village : Arvalem  
Taluka : Sanguem  
State : Goa
5. Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause



notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Lekhraj Nathurmali and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated \_\_\_ held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) That the proposal to reduce the area of lease under Section 6(i)(b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP file by lessee wherein Ad interim order, passed on 2-3-1998.
- ii) That the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-1987 under Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) Information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) Affidavit(s) dated 7-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) That the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-1998. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-1998 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) That the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent and Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section

16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 23rd March, 2000.

Case No. CML/Z-1/2000

**Order**

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 30-1-1929 (2/29) for\* Iron and Manganese held by Shri Domnic S. Fernandes, C/o. Chetan S. Timblo, Kadar Manzil, P. O. Box No. 34, Margao, Goa - 403 601 for per. years, area 100 hectares in Village(s) Vadem Taluka: Sanguem, District: South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

(i) Area: The area of the above lease is limited to 100 hectares only.

(ii) Period: No change is made as the period of lease(s) is already modified as per provision of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)".

3. It is clarified that royalty and dead rent shall be payable in accordance with Sections 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 21st March, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-1/2000

**Order**

1. Name of the lessee : Shri Domnic S. Fernandes, C/o. Chetan S. Timblo, Kadar Manzil, P. O. Box No. 34, Margao, Goa - 403 601.
2. Date of the lease : 30-1-1929 (2/29)
3. Mineral(s) : Iron and Manganese
4. Area and location : 100 hectares.  
Village : Vadem  
Taluka : Sanguem  
District : South Goa  
State : Goa
5. Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee Shri Domnic S. Fernandes and the lessor - the

Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 21-2-2000 held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-2-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) That the proposal to reduce the area of lease under Section 6(i)(b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP file by lessee wherein Ad interim order, passed on 2-3-1998.
- ii) That the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i.e. 23-5-1987 under Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) Information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) Affidavit(s) dated 29-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM(R&D) Act, 1957, MCR, 1960, MCDR, 1988 and ML(MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) That the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-1998. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-1998 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal

applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further orders from the Court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the MM(R&D) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) That the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent and Section 16 of MM(R&D) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th January, 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1957.

6. As stated above, vide Government of Goa notifications dated 30th September, 1963 and 4th January, 1966, the MM(R&D) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confers powers to CML for modification of mining lease(s) of Goa under Section 16 of the MM(R&D) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 23rd March, 2000.

Case No. CML/Z - 259/2000

**Order**

**[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]**

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 13-2-1953 (T. No. 6/53) for\* Iron and Manganese held by Shri Umakant & Balaji K. Kamat, Hotel Rukrish, Margao, Goa 403601 for permanent years, area 58.6400 hectares in village(s) Netorlim, Mangal, Taluka, Sanguem, Quepem District, South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 58.6400 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concession (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 16th March, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-259/2000

Name of the lessee : Shri Umakant & Balaji K. Kamat,  
Hotel Rukrish,  
Margao-Goa, 403601

Date of the lease : 13-2-1953 (T. No. 6/ 53)

Mineral(s) : Iron & Manganese

Area and Location : 58.6400 hectares  
Vill.: Netorlim Taluka: Sanguem  
Mangal Quepem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) **Area:** To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) **Period:** To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—Shri Umakant & Balaji K. Kamat, and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 13-2-1953 held by the lessee.

3. The case was also taken up for hearing on 14-01-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 14-01-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already

stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 31-12-1999 duly signed by the lessee/attorney to abide by the provisions of MM (R & D) Act, 1957, MCR, 1960, MCDR, 1988 and ML (MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.
- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the

Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan., 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th Sept., 1963 and 4th Jan., 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st Oct., 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th Jan., 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 16th March, 2000.

Case No. CML/Z - 439/2000

#### Order

#### [Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a \*mineral mining lease dated 05-11-1954 (41/54) for\* Iron Ore held by Smt. Ahiliabai Sardesai, Kirlapale Mine, Panaji-Goa for pmt. period, area 82.5000 hectares in village(s) Cormonem & Bandoli, Sanguem taluka, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The areas of the lease is limited to 82.5000 hectares only.
- (ii) Period: No change is made as the period for the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 23rd February, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS  
OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-439/2000

Name of the lessee : Smt. Ahiliabai Sardesai  
M. G. Road,  
Panjim-Goa 403001.

Date of the lease : 05-11-1954 (41/54)

Mineral(s) : Iron Ore

Area and Location : Vill.: Cormonem & Bandoli.  
Taluka: Sanguem  
Distt: South Goa,  
State: Goa.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—Smt. Ahiliabai Sardesai, MG Road Panaji-Goa and the lessor – the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated..... held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objections letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.
- ii) affidavit(s) dated 17-02-2000 duly signed by the lessee/attorney to abide by the provisions of MM (R & D) Act, 1957, MCR, 1960, MCDR, 1988 and ML (MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim

order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan., 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th Sept., 1963 and 4th Jan' 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st Oct., 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th Jan., 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 23rd March, 2000.

Case No. CML/Z-8,9/2000

### Order

#### [Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas two cases were registered for the modification of terms of a 2 \*mineral mining lease dated as per list enclosed for\* Fe/Mn. held by M/s Raphael Mines, Mine Owner, Dias Bldg., P. B. No. 52 Opp. Bank of India Panjim-Goa for pmt. period area 170.4000 hectares in village(s) as per list enclosed, district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of two (2) leases as per list enclosed is limited to 170.4000 hectares only.
- (ii) Period: No change is made as the period for the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.  
Nagpur, 27th March, 2000.



## ANNEXURE

## CML/Z-8,9/2000 DETAILS OF 2 (two) MINING LEASES

Name of the Lessee & :- M/s Raphael Mines, Mine Owner,  
Address : Dias Building, P. B. No. 52,  
Opp. Bank of India, Panjim-Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, Date & Title	Area in hectares
1	2	3	4	5	6	7
1.	Z-8	Amvandongor	Curpem Sanguem South Goa	Iron & Manganese	5/19-3-41	87.2000
2.	Z-9	Nidgulamoll Dongor	Calem (Kalay) Sanguem South Goa	Iron & Manganese Ore	6/19-3-41	83.2000
Total						170.4000

## NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES &amp; REASONS FOR THE ORDER

Case No. CML/Z-8,9/2000

Name of the lessee : M/s Raphael Mines,  
Mines Owner,  
Dias Building, P. B. No. 52,  
Opp. Bank of India, Panjim-Goa

Date of the lease :

Mineral(s) : As per enclosed list

Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—M/s Raphael Mines, and the lessor – the Government

of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated..... held by the lessee.

3. The case was also taken up for hearing on 21-02-2000 at Goa for enabling both the parties to put forward their case.

4. At the time of hearing on 21-02-2000 at Goa, the lessee was represented by his Advocate/representative. The lessee has also submitted objection letter stating:

- i) that the proposal to reduce the area of lease under Section 6(i) (b) of Mines and Minerals (Regulation & Development) Act, 1957 is not possible which is likely to negate any decision that may be arrived by the Hon'ble Supreme Court of India in the SLP filed by lessee wherein Ad interim order, passed on 2-3-98.
- ii) that the proposal to reduce the period to two years from the date of the modification order is not possible as provided under Section 16(1A) of Mines and Minerals (Regulation & Development) Act, 1957 since the period of the lease has already stand reduced to the extent of six months from the date of assent i. e. 23-5-87 under Section 5 of Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Further, the lessee has also submitted the following documents at the time of hearing:

- i) information regarding lease(s) in the prescribed annexures I & II under Rules/Act.

- ii) affidavit(s) dated 15-02-2000 and 19-2-2000 duly signed by the lessee/attorney to abide by the provisions of MM (R & D) Act, 1957, MCR, 1960, MCDR, 1988 and ML (MT) Rules, 1956 and other provisions applicable and as amended from time to time by the Central Government in respect of his aforesaid lease(s).

However, no representative of State Government (Lessor) was present on the date of hearing.

5. I have given my careful consideration to the above objections/plea advanced by the lessee and, in my view, they have got no force on the basis of my finding given hereunder:

- i) that the contention of the lessee(s) is not maintainable that the modification of area is likely to negate the decision that may be arrived by the Hon'ble Supreme Court of India in the SLP wherein Ad interim order was passed on 2-3-98. The Hon'ble Supreme Court of India in Ad interim order dated 2-3-98 has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings from assessment of the amount payable by the appellants but no recovery shall be made without further order from the court. Thus, there is no restraint put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the terms of the Mines & Minerals (Regulation & Development)

Act, 1957 and the rules made thereunder. Accordingly, the area may be modified without affecting the area under active mining operations.

- ii) that the contention of the lessee(s) is not maintainable that the provisions of Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is inconsistent with the provisions of Section 5 of Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987, therefore, provisions of the Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 do not apply to the deemed lease(s) of Goa. The above Acts are consistent & Section 16 of Mines & Minerals (Regulation & Development) Act, 1957 made applicable to all lease(s) of Goa State vide Government notification w.e.f. 15th Jan., 1966. However, the period of the lease(s) is not changed as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

6. As stated above, vide Government of Goa notifications dated 30th Sept., 1963 and 4th Jan., 1966, the Mines & Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st Oct., 1963 and the Section 16 of the said Act was made applicable to Goa w.e.f. 15th Jan., 1966 which confers powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines & Minerals (Regulation & Development) Act, 1957. Keeping in view of the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987 and the rules made thereunder, modification of the lease(s) is made.

Order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 27th March, 2000.